

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

|                       |   |                     |
|-----------------------|---|---------------------|
| DENNIS B. FULFORD,    | ) | CASE NO. 1:13CV1638 |
|                       | ) |                     |
| Plaintiff,            | ) | JUDGE JOHN R. ADAMS |
|                       | ) |                     |
| v.                    | ) |                     |
|                       | ) | <u>ORDER</u>        |
| METROHEALTH HOSPITAL, | ) |                     |
|                       | ) |                     |
| Defendant.            | ) |                     |

In an entry dated August 1, 2013, Plaintiff was ordered either to pay the full filing fee or to file a proper Financial Application and prisoner account statement within 30 days. Moreover, he was advised that the case may be dismissed, without further notice, if he failed to comply. Although the 30-day period has expired, Plaintiff has not sought additional time and has neither paid the filing fee nor filed a proper Financial Application.

A district court has the inherent authority to dismiss an action when a party fails to prosecute or fails to comply with the terms of a court order. *See* FED. CIV. R. 41(b); *see also Knoll v. AT & T*, 176 F.3d 359, 63 (6th Cir.1999)("measure is available to the district court as a tool to effect management of its docket and avoidance of unnecessary burdens on the tax-supported courts.") Upon due consideration of the Court's notice and Plaintiff's failure to comply, this action must be and is hereby dismissed without prejudice. *See Stough v. Mayville Cmty. Schs.*, 138 F.3d 612, 615 (6th Cir.1998) (noting that "[p]rior notice, or lack thereof, is ... a

key consideration" in whether dismissal under rule 41(b) is appropriate). Further, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

s/John R. Adams  
JOHN R. ADAMS  
UNITED STATES DISTRICT JUDGE

DATED: September 18, 2013